

ITEM: 3

SUBJECT: Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands

BOARD ACTION *Information Report – No Board Action*

BACKGROUND The State Water Resources Control Board (State Board) adopted Order WQO 2004-0003 on 22 January 2004. This Order required that Regional Board staff appear before the State Board and the Regional Board in July 2004 and report on the monitoring programs and results and the management plans and practices, and the status of any other Regional Board proceedings with respect to the Irrigated Lands Conditional Waiver.

Eight Coalitions (including two Water Districts who filed as Coalitions) have each submitted a Notice of Intent (NOI) to be covered by the Irrigated Lands Conditional Waiver. Each Coalition has submitted watershed evaluation reports and monitoring and reporting program plans. Regional Board staff has reviewed and commented on these reports. Coalitions are in various stages of responding to these comments. In addition to the Coalitions, five Water Districts and two growers have submitted NOIs for individual Conditional Waiver coverage.

In 2003, Regional Board monitoring found toxicity in 10% of water samples and 9 of 32 sediment samples. An expanded Regional Board monitoring program will begin this summer.

An expanded outreach effort to reach all irrigated lands operators resulted in the distribution of over 75,000 brochures and a second direct mailing to thousands of irrigated lands operators, beginning in Butte, Colusa, Madera and Fresno Counties.

A Request for Qualifications is being advertised to identify a firm who can prepare an Environmental Impact Report for the ongoing Irrigated Lands Program, which will be implemented after the expiration of the current Irrigated Lands Waiver.

Mgmt. Review _____
Legal Review _____

8 July 2004

Central Valley Regional Water Quality Control Board
Regular Meeting
1001 I Street
Sacramento, CA 95814

INFORMATION REPORT
CONDITIONAL WAIVERS
FOR
DISCHARGES FROM IRRIGATED LANDS
CENTRAL VALLEY REGION

8 July 2004

1. INTRODUCTION

State Water Resources Control Board (State Board) adopted Order WQO 2004-0003 on 22 January 2004. This Order requires that a representative of the Regional Board staff appear before the State Board and the Regional Board in July 2004 and report on the monitoring programs and results and the management plans and practices, and the status of any other Regional Board proceedings with respect to the Irrigated Lands Conditional Waiver. This Information Report provides the Regional Board, the State Board and other interested parties information on the topics required by this Order and an overview of the Irrigated Lands Program implementation.

The Irrigated Lands Program has faced many challenges and achieved many goals. The program is in the early phases of developing a long-term plan to address water quality impacts from discharges from irrigated agricultural lands. The Conditional Waivers, adopted in July 2003, describe a specific path for owners and operators of irrigated lands, including water districts, to achieve compliance with the California Water Code. The Conditional Waivers and Monitoring and Reporting Programs set the minimum requirements for the growers to comply with the Water Code.

Several major issues face the Irrigated Lands Program. These include the level of effort and compliance with waiver conditions. The coalitions have completed extensive amounts of work and Regional Board staff continues to evaluate this work to determine if it complies with the current waiver. This information item provides a forum for discussion of the adequacy of coalition's work. Another major program issue is funding to support the waiver program. SB923 provides the vehicle for the State Board to adopt regulations requiring fees for waivers. The State Board's Division of Water Quality may draft regulations requiring such fees. Public hearings would be held on any proposed fee regulations. This information report provides the opportunity for interested persons to offer suggestions as to how fee regulations should be drafted. A third program issue is the level and type of enforcement that should be taken against non-participants. This issue is discussed briefly in this information report and more fully in **Attachment 2**.

2. BACKGROUND

On 11 July 2003, the Central Valley Regional Water Quality Control Board (Regional Board) adopted Resolution No. R5-2003-0105 approving two Conditional Waivers of Waste Discharge Requirements for Discharges from Irrigated Lands in the Central Valley Region. Along with the Waivers, the Regional Board adopted Monitoring and Reporting Program Order No. R5-2003-0826 for Coalition Groups and Monitoring and Reporting Program Order No. R5-2003-0827 for Individual Dischargers and

Resolution No. R5-2003-0103 approving an Initial Study and adopting a Negative Declaration for the Waivers.

In August 2003, six agricultural interests and one environmental interest submitted petitions to the State Water Resources Control Board (State Board) regarding these actions. On 7 January 2004, the State Board held a public workshop for interested parties and on 22 January 2004 the State Board adopted Order WQO 2004-0003, which upheld the Waivers and Monitoring and Report Programs with revisions. The Order states in part, "... In July 2004, a representative of the Regional Board staff shall appear before the State Board and the Regional Board and report on the monitoring programs and results and the management plans and practices, and the status of any other Regional Board proceedings with respect to the Waiver, at a joint workshop meeting..." This Information Report is submitted as supporting information for the oral report to be provided by Regional Board staff appearing at the 8 July 2004 joint meeting to comply with the State Board Order. Please refer to **Table 1** for historical chronology of the Irrigated Lands Program.

3. STATUS OF PROGRAM ELEMENTS

Notices of Intent/Notices of Applicability

Nine Coalition Groups submitted a Notice of Intent (NOI) and General Report for coverage under the Waiver. The following groups submitted the reports on behalf of their members:

- Southern San Joaquin Valley Water Quality Coalition
- East San Joaquin Water Quality Coalition
- Westside San Joaquin River Watershed Coalition
- Sacramento Valley Water Quality Coalition
- San Joaquin County and Delta Water Quality Coalition
- California Rice Commission
- Root Creek Water District
- Westlands Water District
- San Luis Water District

In March 2003, the San Luis Water District withdrew its NOI due to the inability to secure a funding mechanism for the group. Since 1 November 2003, staff has met many times with the California Rice Commission (CRC) to discuss the Irrigated Lands Conditional Waiver and a rice specific Conditional Waiver. During this period Regional Board staff and the CRC have worked to clarify the process of identifying growers that may be required to address water quality concerns related to discharges from rice operations. On 21 June 2004, the Executive Officer issued an NOA to the California Rice Commission (CRC) Coalition, a commodity group representing rice growers and handlers in the Sacramento Valley. The CRC has communicated to Regional Board staff their wish to maintain coverage under the Irrigated Land Conditional Waiver with a rice specific monitoring and reporting plan issued by the Executive Officer. In March, the CRC submitted documents in regards to the MRP and WER reporting requirements. Staff has scheduled a meeting with the CRC to discuss preliminary

comments on these documents and to get an update on the progress of the CRC consultant compiling historical monitoring data.

The remaining Coalition Groups have received their Notice of Applicability (NOA) for coverage under the Waiver.

On 1 November 2003, about 70 NOIs were submitted by individual growers. All but two growers have elected to join a Coalition Group. In addition, the Regional Board received five NOIs from Irrigation Districts (Merced, Modesto, Oakdale, South San Joaquin and Turlock) for Individual Waiver coverage. In April 2004, the Executive Officer issued NOAs to each of the irrigation districts for coverage under the Individual Waiver.

Watershed Evaluation Reports / Monitoring and Reporting Program Plan

Regional Board staff is reviewing the Watershed Evaluation Reports (WERs) and Monitoring and Reporting Program (MRP) Plans submitted by the eight Coalition Groups and the Farm Evaluation Reports (or equivalent)¹ and MRP Plans submitted by the six entities with individual waiver coverage (five irrigation districts and one grower²).

Irrigated Lands Program staff, TMDL and Basin Planning staff from the Sacramento River and San Joaquin River Watershed Sections, and Fresno and Redding staff are reviewing the Coalition Group WERs and MRP Plans and providing comments in order to provide consistency among the programs. Since none of the Coalition Group WERs and MRP Plans meet the minimum requirements of the Conditional Waiver, Regional Board staff has and will continue to work with the Coalition Groups to resolve deficiencies. This has resulted in a significant amount of additional time for report review and discussion with the Coalition Groups. **Table 2** summarizes each Coalition Group's geographical coverage and current status of the WERs and MRP Plans submitted as a condition of the Coalition Group Irrigated Lands Waiver. At the 15 June 2004 IACC Agricultural Subcommittee, representatives from two Coalition Groups stated that their groups planned to start monitoring on 1 July whether or not they had Regional Board approval of their MRP Plans.

At the time of this report, review of the monitoring and reporting programs for the individuals with waiver coverage has not been completed. It is anticipated that this process will be complete by late June or early July 2004.

Management Plans

State Board Order WQO 2004-0003, directed Regional Board staff to report on management plans and practices. Monitoring and Reporting Program Order No. R5-2003-0826 for Coalition Groups requires Communication Reports when monitoring results indicate that water quality objectives are exceeded in the surface waters of the Coalition Group area. Further, the Conditional Waiver for Coalition Groups

¹ Irrigation districts submitted "System Evaluation Reports," designed to be the equivalent of a Farm Evaluation Report.

² Merced Irrigation District, Modesto Irrigation District, Oakdale Irrigation District, South San Joaquin Irrigation District, and Turlock Irrigation District.

requires Coalition Groups, upon notice by the Executive Officer, to submit a technical report called a Management Plan to the Regional Board upon a determination by either an individual Discharger or the Coalition Group that a discharge is causing or contributing to an exceedance of receiving water limitations. Both of these processes involve the implementation and evaluation of management practices. See **Attachment 1** for specific language from the Waiver and Monitoring and Reporting Program for Coalition Groups

A Communication Report was not required to be submitted with the 1 April 2004 Watershed Evaluation Report, but will be required at such time exceedances are detected. Some Coalition Groups did however, describe in their WERs and MRP Plans the process they will use to meet this condition of the Waiver. Additionally, no Management Plans have been requested by the Executive Officer as of yet.

Further discussion on the relationship between Communication Reports and Management Plans is warranted. Fully and cost effectively addressing water quality problems through the implementation of management practices and achieving water quality objectives will likely be an iterative process. For Coalition Groups, a two-step process was developed with a goal of providing Coalition Groups more flexibility in the first of the two stages. The Communication Report was designed as the first stage process whereby Coalition Groups notify the Regional Board of water quality objective exceedances, and describes how they will address the problem (by evaluating the effectiveness of management practices in preventing discharges of constituents of concern). If reasonable progress is not achieved by a Coalition Group in addressing a given water quality problem through this more informal process, the Executive Officer can require the submission of a Management Plan, which also requires the evaluation of management practices, but also calls for identification of additional actions, including different or additional management practice implementation, a waste specific monitoring plan, an implementation schedule to address the exceedance and greater Regional Board oversight. Management plans are also provided for in the Conditional Waiver for Individual Dischargers and can be required upon written notice by the Executive Officer (see Attachment C to Resolution No. R5-2003-0105, pp. 3-4).

Outreach

A brochure for the program describing the three options for regulatory coverage for discharges from irrigated lands has been developed and 100,000 copies have been printed. The brochure urges growers to choose an option and obtain regulatory coverage for their discharges. Regional Board has sent a cover letter and the brochure to Coalition Groups, UC Cooperative Extension Farm Advisors, NRCS representatives and local workgroups, local resource conservation districts, water districts, and others for distribution to growers. Regional Board staff are also working with the Department of Pesticide Regulation and the County Agricultural Commissioners to distribute brochures and the cover letter to growers holding pesticide use permits. Over 75,000 brochures have been distributed as of 1 June 2004.

On 17 June 2004 the Regional Board began mailing a second brochure directly to growers holding pesticide use permits throughout the Central Valley region, starting with four counties, Butte, Colusa, Fresno and Madera. This second brochure outlines the options that growers can choose to obtain regulatory coverage. In addition, the brochure outlines two alternatives for growers to receive information on the program, one electronically and the other by USPS mail.

Regional Board staff, in conjunction with State Board staff, have initiated an email subscription service that will provide interested parties electronic updates and notices regarding the Irrigated Lands Program. Parties are able to sign up through the Regional Board's website. As of 18 June 2004, 180 interested persons have signed up for this service. For example, this Information Report will be sent directly to those persons who have signed up for this service.

Irrigated Lands Waiver Phase 1 Monitoring Status

University of California Davis (UCD) conducted sample collection and water column toxicity testing under a contract with the Regional Board. The fieldwork included monitoring 25 sites from 26 March 2003 through 25 September 2003. A total of 189 samples were collected. These samples were tested for toxicity using *Ceriodaphnia dubia* and larval *Pimephales promelas* in 96-hour tests. Most sites were sampled eight to ten times. In 11 of the 110 samples there were indications of toxicity (mortality) to the indicator test species. In some of the toxic samples there was at least, a four-day high magnitude pulse of chlorpyrifos. A draft report will be available by the end of June 2004.

Regional Board staff also coordinated a sediment toxicity monitoring program focusing on pyrethroids concurrent with Phase 1 monitoring. This program was conducted by Don Weston of the University of California, Berkeley (UCB) and J. C. You and M. J. Lydy of Southern Illinois University in conjunction with a CalFed sediment toxicity monitoring program. UCB made an effort to take sediment samples on a subset of the UCD water column toxicity sites. Nine out of thirty two samples showed toxicity to *Hyalella azteca*. **Table 3** summarizes which sites had water column and sediment toxicity.

Irrigated Lands Waiver Phase II Monitoring Contracts

Regional Board staff prepared contracts with UCD and California Department of Fish and Game (CDFG) for the Phase II water quality investigation that includes sample collection, laboratory analyses and data management and reporting.

In May 2004, the contracts were executed. Regional Board staff identified tentative monitoring sites with assistance from UCD. Regional Board staff provided the preliminary list of monitoring sites to the Coalition Groups for input and coordination. Irrigated Lands Program staff will be discussing the final monitoring sites with various Regional Board program managers, who conduct surface water monitoring, other agencies and Coalition Groups to better coordinate monitoring sites and monitoring parameters.

Phase II Monitoring Site Reconnaissance

Regional Board staff have conducted site reconnaissance to confirm that tentative monitoring sites are accessible and characterize the agricultural discharges. In addition to field checking the monitoring locations, Regional Board staff also verified the land use, crops and the drainage systems affecting each monitoring location. A final list of monitoring sites will be prepared based on the results of the site reconnaissance and additional coordination with the Coalition Groups. Monitoring may begin in some areas by the end of June.

Environmental Impact Report

The current Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands expires 31 December 2005. In adopting the current Resolution, the Regional Board committed to preparing a 10-year implementation program to regulate discharges of waste from irrigated lands to assure compliance with water quality standards, and to undertake an Environmental Impact Report (EIR) process during the next two years to analyze the potential significant adverse environmental effects of that project.

The EIR process began with several scoping sessions. Recently, State Board staff placed a solicitation advertisement to Request Qualifications (RFQs) from firms who would like to prepare the Irrigated Lands Program EIR. All RFQs are due to the Regional Board on 9 July 2004. Once Regional Board staff receives the RFQ proposals, a contractor will be selected based upon scoring criteria for those firms that have complied with the minimum qualification requirements.

Program Coordination: IACC Agricultural Subcommittee

Regional Board staff have been working with State Board staff since the fall of 2003, fostering agency and industry coordination on the Irrigated Lands Program through participation in the Agricultural Subcommittee of State Board's Interagency Coordinating Committee (IACC).³ The IACC is comprised primarily of state agencies. Due to the nature of the Irrigated Lands Program, membership of the Agricultural Subcommittee was expanded to federal, state and local agencies with responsibilities and/or existing efforts relative to addressing nonpoint source pollution, resource management and agricultural production, Coalition Groups, industry organizations and others interested in the program. Goals for coordination through this group include providing a forum where agencies, industry representatives and other interests can get regular staff updates on program status and discuss issues, as well as providing a forum for information sharing, identifying opportunities for coordination (which can ensure that efforts are not being duplicated), and exploring tools and resources other entities may have that can assist the Coalition Groups, local groups, individual dischargers, and the Regional Board in program efforts. Participants include, but are not limited to, representatives from Coalition Groups, County Agricultural Commissioners, local resource conservation districts, the Natural Resources Conservation Service, UC Cooperative Extension, local water agencies and water districts, irrigation districts, California Association of Pest Control Advisors, environmental interests, Department of Fish and Game, the Resources Agency, Department of Water Resources, Department of Food and Agriculture, Department of Pesticide Regulation, US Bureau of Reclamation, US Environmental Protection Agency, and State and Regional Board staff. Staff from other Regional Boards that are developing agricultural waivers also participate and provide the group information on those efforts.

Two meetings have been held in 2004 including a workshop in February for Regional Board staff to answer questions from Coalition Groups of what is required in the Watershed Evaluation Report due by April 1st, along with presentations and discussion on existing resources that could assist in the

³ The State Board established the IACC to provide for interagency coordination on California's Nonpoint Source Pollution Control Program.

preparation of these reports. The June meeting included a briefing from a US Environmental Protection Agency representative on court ordered pesticide buffer zones in California,⁴ status reports from Central Valley, Central Coast and Los Angeles Regional Board staff on the agricultural waiver efforts in those Regions, a briefing from State Board Division of Financial Assistance staff on the Agricultural Water Quality Grant Program (and associated workshop to be held that afternoon), and a discussion of Central Valley Regional Board outreach efforts on the Irrigated Lands Program.

Strategy For Non-Filers

Agricultural representatives, environmental interests and Regional Board members have asked about the strategy Regional Board staff is considering for addressing the dischargers that do not choose to operate under the conditional waivers or file for Waste Discharge Requirements (WDRs). It would be inequitable to focus all attention on dischargers that have stepped up to comply with the law and address water quality issues (by applying for coverage under one of the waivers or filing a ROWD and complying with conditions and requirements) and ask nothing of those growers discharging waste illegally.

The strategy for non-filers considers many factors including the type or category of dischargers, environmental settings, regulatory priorities (i.e. 303(d) listing, TMDL), and threat to water quality. The strategy also uses the informal and formal enforcement tools the Regional Board has available.

Attachment 2, Information Report, March 2004 Regional Board Meeting, Enforcement Strategy, Page 7 contains a detailed discussion of the Regional Board strategy being developed and implemented at that time to address those growers who do not file for coverage under the conditional waiver or obtain WDRs. At this time, Regional Board staff is in the education and notice portion of this process. Contact with thousands of growers is being made with the small brochure discussed above. Current plans call for a future mailing of a brief questionnaire directly to selected growers. Regional Board staff will work with the Department of Pesticide Regulation and the Agricultural Commissioners and the Coalition Groups as this process is implemented.

4. OTHER ACTION(S) CONSIDERED BY THE REGIONAL BOARD

At the 10/11 July 10/11 2003 meeting, the Regional Board directed staff to present an example (sample) of General Waste Discharge Requirements, describe an implementation strategy and advise the Regional Board on possible funding strategies for the implementation of the Irrigated Lands Program.

Attached is **Attachment 2**, Information Report, March 2004 Regional Board Meeting, which discusses these issues in detail. The Regional Board received comments from the Coalition Groups and other agricultural interests during this meeting. The Regional Board indicated that they wanted to continue the current course of action with the implementation of the Irrigated Lands Conditional Waiver.

⁴ See <http://www.epa.gov/espp/wtc/maps.htm> for more information on the buffer zones.

5. STAFF CONTACTS FOR INFORMATION REPORT

Comments or questions regarding this Information Report should be directed to the following Regional Board staff members:

Bill Croyle at (916) 464-4611 or croylew@rb5s.swrcb.ca.gov

Molly White at (916) 464-4781 or whitem@rb5s.swrcb.ca.gov

Attachments and Tables

Attachment 1 – Specific language from the Irrigated Lands Conditional Waiver and Monitoring and Reporting Program for Coalition Groups

Attachment 2 – Information Report, March 2004, Regional Board Meeting

Table 1 – Chronology of Irrigated Lands Program

Table 2 – Coalition Group Information Summary

Table 3 – Irrigated Lands Program Phase I Monitoring Sites – Water and Sediment Toxicity

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8 JULY 2004 REGIONAL BOARD MEETING

The following is an excerpt from Monitoring and Reporting Program Order No. R5-2003-0826 for Coalition Groups (pp. 12-13):

“3.2 Communication Report

When monitoring results indicate that water quality objectives are exceeded in the surface waters of the Coalition Group area, the Coalition Group shall submit a Communication Report describing how it will evaluate the effectiveness of one or more management practice(s) at preventing discharges of COCs^[1] to surface waters. The selection of management practice evaluation projects shall include consideration of the contribution of target COCs to known water quality impairments, potential application of the management practices over a broad geographic area and large spectrum of crops, and ease and immediacy of possible implementation. Projects need not involve new practices, but can involve quantification of benefits of existing practices. Communication Report shall be submitted for each proposed, implemented, or completed project and shall include, at a minimum: description of management practice(s) being evaluated, target chemical(s), reasons for selecting the specific project, methodology for evaluating the effectiveness of the practice (including sampling and QA/QC plans), and involvement by stakeholders and agencies in developing, implementing and evaluating the project. If projects are completed, the Communication Report shall present the conclusion(s) of the evaluation project.”

A Communication Report was not required to be submitted with the 1 April 2004 Watershed Evaluation Report, but will be required at such time exceedances are detected.

The following is an excerpt from the Conditional Waiver for Coalition Groups (Attachment B to Resolution No. R5-2003-0105, pp. 3-4):

6. Upon a determination by either an individual Discharger or the Coalition Group that a discharge is causing or contributing to an exceedance of receiving water limitations specified in **Part C. Receiving Water Limitations** of this Waiver, the Coalition Group or individual Discharger shall promptly notify the Regional Board in writing. Based on this information or other information available to the Regional Board, the Coalition Group shall, upon written notice by the Regional Board Executive Officer, submit a technical report called a Management Plan to the Regional Board as follows:
 - a. The Management Plan shall evaluate the effectiveness of existing management practices in achieving water quality objectives and identify additional actions, including different or additional management practice implementation or education outreach, etc., the Coalition Group proposes to implement to achieve

¹ Constituents of concern.

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water quality objectives.

- b. The Management Plan shall include a waste specific monitoring plan and an implementation schedule to address the exceedance.
- c. The Coalition Group and/or individual Dischargers shall submit any modifications to the Management Plan required by the Regional Board and address the Regional Board's comments within 30 days of written notification unless otherwise directed by the Executive Officer.
- d. The Coalition Group and/or individual Dischargers shall be make the Management Plan available to the public upon written request. The Regional Board may provide the public an opportunity to review and comment on submitted Management Plans.
- e. The Management Plan may be incorporated into the annual Monitoring and Reporting Program report unless the Regional Board directs an earlier submittal.

ATTACHMENT 2

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

STAFF REPORT

INFORMATIONAL ITEM FOR DISCHARGES FROM IRRIGATED LANDS

18/19 March 2004

STAFF REPORT
INFORMATIONAL ITEM
FOR
DISCHARGES FROM IRRIGATED LANDS

18/19 March 2004

1. INTRODUCTION

At the July 10/11 2004 meeting, the Central Valley Regional Water Quality Control Board (Regional Board) directed staff to present an example (draft) of General Waste Discharge Requirements, describe an implementation strategy and advise the Regional Board on possible funding strategies for the implementation of the Irrigated Lands Program.

This Information Report provides the Regional Board and interested parties a review of sample General Waste Discharge Requirements for a subcategory of irrigated lands (i.e. dormant sprays, storm water discharges only, vineyards, etc.), a historical chronology of the program, and a discussion of the following topics: fee strategies and implementation, enforcement strategy for the Irrigated Lands Program, 1 April 2004 deadline, Notices of Intent, Phase I and II monitoring contracts, Environmental Impact Report (EIR) and recent litigation action against the Regional Board and the State Water Resources Control Board (State Board) regarding the Irrigated Lands Conditional Waivers.

2. BACKGROUND

On 11 July 2003, the Regional Board adopted two Conditional Waivers of Waste Discharge Requirements for Discharges from Irrigated Lands. Prior to the adoption of the Conditional Waivers, the Regional Board had held several workshops, Regional Board meetings and hearings with interested parties. A historical chronology of the Irrigated Lands Program is presented in **Attachment I** of this Information Report.

3. COMPARISON BETWEEN THE GENERAL ORDER AND JULY 2003 WAIVER

California Water Code (CWC) section 13263(i) authorizes the Regional Board to prescribe General Waste Discharge Requirements (General Orders) for a category of discharges if the Regional Board determines that all of the following criteria apply to the discharges in that category:

- a. The discharges are produced by the same or similar operations.
- b. The discharges involve the same or similar types or waste.
- c. The discharges require the same or similar treatment standards.
- d. The discharges are more appropriately regulated under general discharge requirements than individual discharge requirements.

It may be appropriate to adopt a General Order for a subcategory of irrigated lands discharges because discharges within the subcategory have the same or similar waste (i.e. pesticides, sediments, metals, minerals, nutrients) in the same or similar operations (use surface or ground water to irrigate

crops) and use the same or similar treatment methods (i.e., irrigation water source control, reduced pesticide use, tailwater recovery and holding times, cover crops, and other similar management practices). Some examples of subcategories might include: dormant spray users, irrigated land storm water only discharges, vineyards rice and nurseries.

There are few differences between the Sample General Order and the Conditional Waivers. The differences are summarized below.

Discharger Enrollment

July 2003 Waiver: The Discharger has the option of participating in a Coalition Group and receiving coverage under the Waiver for Coalition Groups, or file a Notice of Intent (NOI) for coverage under the Individual Waiver.

General Order: Each Discharger who elects coverage under the General Order will have to submit a NOI and appropriate fee (see discussion below) to the Regional Board. A Coalition Group would not be able to file on behalf of a group of dischargers for coverage in the General Order.

Fees

July 2003 Waiver: No fees. However, Senate Bill (SB) 923 was signed into law and went to effect on 1 January 2004. SB 923 amended CWC section 13269, which now authorizes the State Board or a Regional Board to include, if they choose, as a condition of a waiver the payment of an annual fee. A fee schedule for waivers of waste discharge requirements has not been developed by State Board.

General Order: The CWC requires annual fees for waste discharge requirements. According to the existing fee schedule, the fee for a General Order is based on the Threat To Water Quality (TTWQ) and Complexity (CPLX) rating as outlined in the fee schedule listed in California Code of Regulations (CCR), title 23, section 2200. For example, if the General Order was developed for a subcategory of irrigated lands that was considered to have a TTWQ of 3 and a CPLX of C the corresponding annual fee would be \$800 per Discharger. The first fee would be considered as the filing fee.

For descriptive purposes the TTWQ and CPLX of 3-C is as follows:

TTWQ Category "3" – Those discharges of waste that could degrade water quality without violating water quality objectives, or could cause a minor impairment of designated beneficial uses as compared with Category 1 and Category 2.

CPLX Category "C" - Any discharge for which waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included as a Category "A" or Category "B" as described above. Included would be discharges having no waste treatment systems or that must comply with best management practices, discharges having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal.

At this time, the State Board has not adopted a fee schedule specifically addressing agricultural discharges. However, the discharge to land fee schedule would apply to discharges from irrigated lands. Therefore, the mechanism for identifying fees for this type of discharge is through the determination of threat and complexity. The fees for land discharge WDRs range from \$800 for the 3-C to \$38,000 for a 1-A, annually. It should be noted that a General Order annual fee must be the same for all dischargers enrolled under the General Order. Therefore, if the Regional Board adopted a General Order for a specific subcategory of irrigated lands dischargers, each discharger would be required to pay the same annual fee. See Section "Fees for General Order(s)" on page 12 for further discussion of fees for General Orders.

Monitoring

July 2003 Waiver: The Discharger may participate in a Coalition Group for coverage under the Coalition Group Waiver and allow the group to perform monitoring on their behalf. Or, the Discharge may submit a NOI for coverage under the individual Conditional Waiver, conduct monitoring and submit individual technical monitoring reports pursuant to the compliance dates set by the Regional Board.

General Order: Even though dischargers have to individually enroll for coverage under the General Order, the sample General Order would require dischargers to conduct individual farm level monitoring and/or provide the option to participate in an approved Coalition Group MRP.

California Environmental Quality Act (CEQA)

July 2003 Waiver: The Regional Board adopted a negative declaration.

General Order: To consider the adoption of a General Order, the requirements of CEQA must be met. This requires that a CEQA document be prepared and circulated for public review and comment. After the final CEQA determination is made, the Regional Board would consider the document for approval. This approval must occur prior to the consideration and adoption of the General Order. .

Individual Farm Water Quality Plan (Plan)

July 2003 Waiver: Not Required

General Order: To assure compliance with Basin Plan standards, the sample General Order would require each individual enrolled under the General Order to prepare an individual farm water quality plan and submit a letter certifying that they have prepared a Plan. One option is to have the plan remain on site and provided to the Regional Board and others, such as the Department of Pesticide Regulation and/or the County Agricultural Commissioner, upon request.

Pesticide Implementation Program (Basin Plan)

July 2003 Waiver: Not included

General Order: The sample General Order provides for a more detailed farm specific plan based on monitoring results. For example, if monitoring indicates that existing practices are resulting in wastes (i.e. pesticides, nutrients, sediment, salt, etc.) being discharged in such a manner that are creating violations of water quality objectives, then pursuant to CWC section 13267, the Executive Officer may require that the Discharger submit a technical report called a Management Plan. The Management Plan shall outline what management practices will be implemented to ensure that water quality objectives are being met. The sample General Order uses the Pesticide Implementation Program time schedule outlined in the Regional Board's Basin Plan for the Sacramento and San Joaquin River Basins for implementing a compliance schedule to resolve violations of water quality objectives.

4. GENERAL ORDER IMPLEMENTATION STRATEGY

There are more than 25,000 dischargers within the Central Valley Region. For dischargers to have regulatory coverage for their discharges to surface waters from irrigated lands they would have to enroll under the existing conditional waivers, under this a General Order, or obtain individual WDRs. One of these actions would be necessary for these dischargers to comply with the CWC.

Implementing a program to enroll more than 25,000 dischargers in any one of these regulatory processes will require an increase in Regional Board staff. The FY03/04 budget provides 6.0 PYs, with funding resources from the Waste Discharge Permit Fund (WDPF). There was a \$28,000 reduction in program resources in the current FY03/04 budget. There is no certainty as to the resources for FY04/05, but it is anticipated that funding from the WDPF will remain at a similar level for the Irrigated Lands Program.

No additional resources are available in the Irrigated Lands Program or other Regional Board programs to implement a General Order for irrigated lands type discharges without additional resources or a reprioritization of existing Regional Board program(s) workloads. If resources are provided or identified, the following General Order implementation strategy steps may be one alternative for developing and using a General Order to regulate a subcategory of irrigated land discharges.

Implementation Strategy Steps

1. Identify one or more subcategories of dischargers that: produce agricultural products by the same or similar operations, discharge the same or similar waste(s), require the same or similar discharge treatment standards and determine which discharges are more appropriately regulated under general WDRs than individual WDRs or a conditional waiver.

2. Identify level of participation in the Irrigated Lands Conditional Waiver Program and associated Monitoring and Reporting Programs.
3. Identify threat or impact to water quality from identified subcategory and terms, conditions, discharge specifications, and provisions necessary to protect water quality.
4. Develop necessary CEQA documents for public review and comment.
5. Develop tentative subcategory General Order and MRP requirements for public review and comment.
6. Notice to subcategory dischargers. This will require the Regional Board to work with various agencies to identify specific subcategory dischargers. Outreach to provide notice and an opportunity for the dischargers to become informed and provide input on the proposed action.
7. Regional Board consideration of the CEQA document, tentative General Order and Monitoring and Reporting Program.
8. Notice of adopted General Order to subcategory dischargers and deadline for enrolling.
9. Processing of General Order enrollment NOIs and NOAs.
10. Coordination with Coalition Groups on monitoring and reporting.
11. Follow up with dischargers not participating in the General Order.
12. Enforcement action(s), as necessary, to complete enrollment process.
13. Inspections and monitoring of discharges to validate coverage under General Order.

It has been estimated that an additional 5 to 10 staff would be required to implement a General Order for a subcategory of dischargers. This estimate varies for various reasons including: the number of dischargers in the subcategory, type of waste discharges, number and location of discharges and threat to water quality. Also, the implementation costs go up if an EIR is required instead of a negative declaration to comply with CEQA. Once the CEQA document and General Order are adopted and the majority of the dischargers are enrolled, program costs should decrease. At that time resources would be needed to maintain the General Order.

If the Regional Board wanted to consider additional General Orders for other subcategories of dischargers, additional staff would be required.

5. PROPOSED FEE STRATEGIES

Waiver

On 10 October 2003, former Governor Gray Davis approved Senate Bill 923, which in part, authorizes the State and Regional to assess and collect annual fees for waivers to cover the cost of implementing the waivers. SB 923 is not specific to agricultural discharge waivers, but addresses resource needs for any waiver program the State and Regional Boards may implement. SB 923 includes the following:

- Authorizes the State Board or a Regional Board to waive those waste discharge requirements if certain requirements are met.
- Requires the conditions of the waivers to include, with certain exceptions, the performance of individual, group, or watershed-based monitoring duties.

- Authorizes the State Board or a Regional Board to include as a condition of the waiver the payment of an annual fee and require the funds generated by the payment of the fee be deposited in the Water Discharge Permit Fund for expenditure, upon appropriation, by the state board or the appropriate regional board to establish and implement the waiver program.
- Requires the State Board or Regional Board to provide notice regarding the adoption of a waiver.

With respect to fees for irrigated agriculture, CWC section 13269 has been amended. Section 13269 (a)(4)(C) states the following:

In establishing the amount of a fee that may be imposed on irrigated agriculture operations pursuant to this section, the state board shall consider relevant factors, including, but not limited to, all of the following:

(i) The size of the operations.

(ii) Any compliance costs borne by the operations pursuant to state and federal water quality regulations.

(iii) Any costs associated with water quality monitoring performed or funded by the operations.

(iv) Participation in a watershed management program approved by the applicable regional water quality control board.

Fees for Conditional Waivers (General)

In order for the Regional Board to collect fees for those enrolled under any conditional waiver, the State Board first must adopt a fee schedule pursuant to SB923. At this time it does not appear that the State Board will consider a fee schedule for conditional waivers. If a fee schedule is adopted by the State Board, the Regional Board could consider the payment of an annual fee as a condition of any waiver.

Fees for Conditional Waivers (Irrigated Lands)

Presently, fees are not assessed under the existing Irrigated Lands Conditional Waivers. The payment of an annual fee cannot be included as a condition in the Irrigated Lands Conditional Waivers. As stated above, State Board would have to adopt a waiver fee schedule. Staff assumes that if State Board developed a waiver fee schedule, they would address the requirements of CWC section 13269(a)(4)(C). This would allow the Regional Board to consider the payment of annual fees to support the Irrigated Lands Program in the future. Fees are needed to ensure that the program is effective in protecting water quality while providing a more cost effective way for growers to comply with the CWC. Based on use of a modified Waste Discharge to Land Program unit cost factor worksheet, an additional 24 staff are needed to implement the program as adopted.

Fee for General Order(s)

CCR, title 23, section 2200 authorizes the Board to require the Discharger to submit a filing fee to the Regional Board. Discharges from irrigated lands regulated under a General Order would be based on a threat and complexity, pursuant CCR, title 23, section 2200(a)(1)(A). Dischargers would be required to submit a filing fee with each NOI submitted to the Regional Board under the terms and conditions of the General Order.

As stated above, a General Order annual fee must be the same for all dischargers enrolled under the General Order. Therefore, if the Regional Board adopted a General Order for a specific subcategory of irrigated lands dischargers, each discharger would be required to pay the same annual fee.

In 2002, the State Board adopted a new fee schedule. That schedule contains fee descriptions for various types of discharges. This fee schedule contains categories for the discharge of waste to land, for storm water permits and for NPDES permits. Fees that would be imposed for an Irrigated Lands subcategory General Order would fall under the discharge of waste to land category for non-Title 27 discharges. The annual fees for land discharge waste discharge requirements range from \$800 for the 3-C to \$38,000 for a 1-A. The fee schedule can be found on the State Board website at: <http://www.swrcb.ca.gov/docs/resolution03-0064attachb.doc>

A fee for an Irrigated Lands subcategory General Order can be assessed under the existing fee schedule. However, staff would support the development and adoption of the fee schedule that addresses specific issues related to the agricultural regulatory setting. These issues may include, but not be limited to, farm size, crop type, water source and discharge locations, pesticide and nutrient use, participation in watershed monitoring activities and farm level water quality protection programs.

6. ENFORCEMENT STRATEGY

Agricultural representatives, environmental interests and Regional Board members have asked about the strategy or approach staff is considering for addressing the dischargers that do not opt to operate under the conditional waivers or file for WDRs. As efforts continue by the Regional Board, Coalition Groups, County Agricultural Commissioners, Resource Conservation Districts, water and irrigation districts, and others to inform growers of the Irrigated Lands Waiver Program and the three options they have for obtaining regulatory coverage for discharges of waste to surface water, and Coalition Groups work to sign up growers, it is becoming increasingly apparent that the program strategy for addressing illegal irrigated lands discharges needs to be further developed by staff and articulated to the regulated community. Coalition Group representatives and others in the agricultural industry are asking for more information on the Regional Board's enforcement strategy for the program. It would certainly be inequitable to focus all attention on dischargers that have stepped up to comply with the law and address water quality issues (by applying for coverage under one of the waivers or filing a ROWD and complying with conditions and requirements) and ask nothing of those discharging waste illegally. Failure to fully develop and implement an enforcement strategy for the program could also seriously undermine the efforts of the Coalition Groups and would be unfair to individuals who have enrolled.

Some categories of dischargers the enforcement strategy may need to address includes:¹

- Dischargers that are still unaware of their responsibilities under the CWC and the three options available to them to obtain regulatory coverage for their waste discharges (i.e., Coalition Group Conditional Waiver, Individual Conditional Waiver, WDRs),
- Dischargers that are aware of their legal responsibilities and the three options for obtaining regulatory coverage, but do not seek regulatory coverage because they sincerely, but mistakenly, believe they are not dischargers, and
- Dischargers that are aware of their legal responsibilities and the three options for obtaining regulatory coverage, but do not seek regulatory coverage because they are waiting to see how the program develops and/or they do not feel it is necessary to participate because others will be working on the water quality problems in their area.

In developing a strategy, the analysis will need to include not just these categories of dischargers, but also address regional issues. Approaches for working with illegal discharges may need to be different for areas that are covered by a Coalition Group versus areas within the Region where viable Coalition Groups efforts have not developed.

Staff has started and will need to complete the compilation and evaluation of data on the environmental setting in the Sacramento, San Joaquin and Tulare Lake Basins relative to irrigated lands. This information should include, but is not limited to:

- Pesticide use patterns by county,
- Documented water quality impairments by water body,
- Information on crop specific acreage distribution by county,
- Farming patterns by county (e.g., farm size, irrigation methods, production practices, etc.).

Using this information, staff will need to refine program enforcement priorities. Factors considered in setting priorities include, but are not limited to:

- Clean Water Act section 303(d) listings and TMDL priorities,
- The Bay Protection and Toxic Hot Spots Cleanup Program,
- Priorities identified in the Central Valley Regional Board's chapter of the Watershed Management Initiative,
- Temporal and spatial extent, and severity, of beneficial use impairments,

¹ The categories listed each have an "intent" component. It must be noted that under CWC §§ 13260 and 13261, there is no intent component, and the Regional Board need not prove intent to assess civil liability - if you discharge, or propose to discharge, waste that can affect the quality of the waters of the state, you must to file a ROWD or operate under an applicable Waiver; and if you fail to submit a ROWD after one is requested by the Regional Board, administrative civil liability can be imposed against you. The purpose in describing the categories is that the Regional Board may want to consider given factors in the exercise of its enforcement authority.

- Counties or areas with the greatest pesticide use,
- Areas with lower use of high efficiency irrigation,
- High volume and high risk discharges,
- Relative threat to water quality from the different types of irrigated lands operations, and
- Whether the area is covered by an active Coalition Group.

Staff will also consider factors related to how effective the Regional Board, Coalition Groups and other agricultural interests have been with public education and outreach. See Section 7 for more detailed discussion on outreach.

With the limited resources currently available, an efficient strategy to identify and address illegal discharges needs to be finalized. Further, this strategy should be consistent with the State Water Resources Control Board Water Quality Enforcement Policy. This policy sets forth a progressive enforcement approach, which is an escalating series of actions to allow for the efficient and effective use of enforcement resources to:

- Assist cooperative dischargers in achieving compliance,
- Compel compliance for repeat violations and recalcitrant violators, and
- Provide a disincentive for noncompliance.²

The assignment of an additional 2 PYs (more may be needed at a later date) to the program would assist the Regional Board in establishing a greater presence in priority areas to conduct more intensive education and outreach, and to document and address illegal discharges.

Some of the informal and formal enforcement tools available to the Regional Board include, but are not limited to:

- Verbal enforcement action (informal)
- Enforcement letters (informal)
- Notice of Violation (informal - highest level of informal enforcement action)
- Technical Reports and Investigations (CWC § 13267)
- Cleanup and Abatement Orders (CWC § 13304)
- Time Schedule Orders (CWC §§ 13300 and 13308)
- Cease and Desist Orders (CWC §§ 13301 - 13303)
- Administrative Civil Liability (CWC § 13261³)

If dischargers in a given area are illegally discharging, they can be requested to file a ROWD for coverage under the WDRs. Staff expect that there may be specific information which may require the Regional Board to take action to prohibit a specific discharge until it is regulated under WDRs adopted by the Regional Board or employ other means such as a Cleanup and Abatement Order. If

² Water Quality Enforcement Policy, State Water Resources Control Board, 19 February 2002, p. 3.

³ Up to \$1000 per day for failure to furnish reports of waste discharge or failure to pay annual program fees. (\$5000 per day for non-NPDES discharges if hazardous waste is involved and there is a willful violation).

WDRs are required, the Regional Board and the discharger will be required to comply with the CEQA. This would entail the discharger conducting an environmental review of the existing or proposed discharger or contracting with the Regional Board for such a review. The Regional Board would likely be the lead agency in the process.

Additional information necessary for the development of the program enforcement strategy to address dischargers that are not in compliance with the CWC will be compiled over the several months and presented to the Regional Board.

7. EXISTING IRRIGATED LANDS PROGRAM ELEMENTS

April Deadline Extension

Some agricultural industry representatives have verbally requested that the 1 April 2004 deadline for Watershed Evaluation Reports and Monitoring and Reporting Program Plans be extended for Coalition Groups. Staff does not recommend extending the deadline for these technical reports. Submission of these reports is a condition of the Coalition Group Waiver and Coalition Groups have been aware of the 1 April 2004 deadline for over seven months, since the waiver was adopted 11 July 2003. During the public comment period prior to adoption of the Waivers, extension of the 1 April 2004 deadline was not requested. Further, after the Waivers were adopted by the Regional Board, if any interested person desired to change the April 1st deadline - a condition of the waiver, the proper procedure would have been to petition to the State Board requesting an extension on this deadline. Of the seven petitions and four supplemental petitions submitted to the State Board, while some requested extension of the 1 November 2003 deadline for the Notice of Intent and General Report submissions by Coalition Groups, none requested an extension of the deadline for the reports due 1 April 2004. Staff recognizes the significant amount of work Coalition Groups must complete in the preparation of the reports due April 1st. The Regional Board is expecting good faith, best efforts to comply with waiver conditions. If there are information and/or data gaps reasonably existing by April 1st, groups need to identify these gaps and describe how and when they will be filled.

Notices of Intent/Notices of Applicability

Nine Coalition Groups have submitted a Notice of Intent (NOI) and General Report. The following six Coalition Groups have received a Notice of Applicability (NOA) from the Executive Officer.

- Southern San Joaquin Valley Water Quality Coalition
- East San Joaquin Water Quality Coalition
- Westside San Joaquin River Watershed Coalition
- Sacramento Valley Water Quality Coalition
- Westlands Water District
- San Joaquin County and Delta Water Quality Coalition

The remaining three Coalition Groups (California Rice Commission, Root Creek Water District and San Luis Water District) submitted incomplete NOIs. Staff is in contact with these groups and will issue a NOA once the NOIs are deemed complete.

Approximately 70 NOIs were submitted on behalf of individual dischargers. Of all the individual Discharger NOIs filed, at this time, four NOAs have been issued, ten were deemed incomplete and staff mailed out incomplete letters requesting additional information be submitted by 6 March 2004; and the remaining have, or are in the process of, joining a Coalition Group. Four Irrigation Districts (Merced, Modesto, Oakdale and South San Joaquin) also submitted NOIs for individual coverage. Staff is in the process of reviewing these and will present an update at the March Regional Board meeting.

Outreach

A brochure for the program describing the three options for regulatory coverage for discharges from irrigated lands has been developed and 100,000 copies have been printed. The brochures are being sent, along with a cover letter from the Regional Board urging dischargers to choose an option and obtain regulatory coverage, to Coalition and local groups, UC Cooperative Extension Farm Advisors, NRCS representatives and local workgroups, local resource conservation districts, water districts, and others for distribution to growers. Staff is also working with the Department of Pesticide Regulation and the County Agricultural Commissioners, and as of 26 February 2004, have contacted Agricultural Commissioners in 13 counties and sent 16,500 brochures to them, along with the cover letter. Staff plans to contact all Agricultural Commissioners and County Farm Bureaus for all counties within the Central Valley Region and send brochures and the cover letter for distribution to growers within those counties. Over 28,000 brochures have been distributed as of 1 March 2004.

Irrigated Lands Waiver Phase 1 Monitoring Status

University of California Davis (UCD) conducted sample collection and water column toxicity testing under a contract with the Regional Board. As of 1 November 2003, all fieldwork has been completed. A draft report will be available by June 2004. A contract amendment has been processed to extend the contract period to allow time to complete of the draft and final investigation report. This amendment is necessary to address a delay in the start of contract. This delay occurred during the final execution of the contract by State Board. The draft Report should be available in April 2004 and the final report completed in June 2004.

Irrigated Lands Waiver Phase II Monitoring Contracts

Staff prepared contracts with UCD and California Department of Fish and Game (CDFG) for the Phase II water quality investigation that includes sample collection, laboratory analyses and data management and reporting.

Both contracts were sent to the contractors for review and approval in December 2003. Staff are working closely with UC Davis and CDFG s staff to set up field and analytical procedures for monitoring under these contracts. The CDFG contract budget has been revised to accommodate an increase in the overhead charges. As of 26 February 2004, both contracts have been submitted to the contractor's administration offices for final approval and signature. After the contract signs the contracts, they will be submitted to State Board for final contract execution.

Rice Industry Request

In a 1 March 2003 letter, the California Rice Commission (CRC) requested Board action at the March 2004 meeting allowing the CRC extended time lines for submittal of a rice specific waiver. The CRC anticipates preparation of a rice specific conditional waiver in time for consideration in September or October. In lieu of meeting the established time lines, the CRC states that their existing monitoring and reporting in the Rice Pesticide Program should serve as functionally equivalent to the requirement for Monitoring and Reporting Program (MRP) under the waiver for discharges from irrigated lands. Staff is reviewing the letter and will be prepared to discuss the request at the Board meeting.

Environmental Impact Report

A draft Request for Qualifications for the preparation of the EIR has been reviewed internally by Region 5 staff, and was forwarded to State Board on 27 January 2004 for administrative review and processing. State Board staff are currently circulating the draft Request for Qualifications for internal administrative review.

Recent Litigation Action

On 26 February 2004, Waterkeepers Northern California doing business as Deltakeeper, Natural Resources Defense Council, Inc., The Ocean Conservancy, Environmental California, Inc., and California Sportfishing Protection Alliance (Petitioners) filed in the Superior Court for the State of California in and for the County of Sacramento a CEQA Petition challenging the Central Valley Regional Board Resolutions No. R5-2003-0103 and R5-2003-0105 and Orders No. R5-2003-0826 and R5-2003-0827 and State Board Order No. WQO 2004-0003 Regarding Conditional Waivers of Waste Discharge Requirements for Discharges from Irrigated Lands.

The Petitioners requested an entry of judgment as follows:

1. For a peremptory writ of mandate directing Respondent Regional Board and/or Respondent State Board:
 - (a) To vacate and set aside Resolution No. R5-2003-0103 adopting the Initial Study and Negative Declaration;
 - (b) To vacate and set aside Resolution No. R5-2003-0105, Order No. R5-2003-0826 and Order No. R5-2003-0827 adopting the conditional waiver for agricultural discharges and the accompanying monitoring requirements;
 - (c) To prepare, circulate, and consider a legally adequate EIR and otherwise to comply with CEQA in any subsequent action to approve the project; and
 - (d) To prepare, circulate, and consider issuing Waste Discharge Requirements for discharges from irrigated lands in compliance with Porter-Cologne and the rules, regulations, and policies issued thereunder.
2. For a peremptory writ of mandate directing Respondent State Board to vacate and set aside WQO 2004-0003 upholding Respondent Regional Board's actions.

3. For their costs of suit. Petitioners have incurred substantial costs that will continue to accrue in an amount not yet determined and are recoverable pursuant to California Code of Civil Procedure section 1021.
4. For an award of attorney's fees. Petitioners are entitled to an award of attorneys' fees, if they prevail in this action, pursuant to California Code of Civil Procedure section 1021.5 because this action seeks to enforce important rights affecting the public interest, which, if enforced, will confer significant benefits on the general public.
5. For other equitable or legal relief that the Court considers just and proper.

Comments or questions regarding this Information Report should be directed to the following Regional Board staff members:

Bill Croyle at (916) 464-4611 or croylew@rb5s.swrcb.ca.gov

Molly White at (916) 464-4781 or whitem@rb5s.swrcb.ca.gov

HISTORY OF THE IRRIGATED LANDS PROGRAM SINCE DECEMBER 2002

On 5 December 2002, prior to the termination of the 1982 Waiver, the Regional Board adopted Resolution No. R5-2002-0201, a “Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands” (2002 Conditional Waiver). On 6 December 2002, due to the numerous issues raised by a broad spectrum of interests and lack of time for a full analysis of these issues. The Regional Board requested staff to prepare an analysis of comments received regarding the 2002 Conditional Waiver, including issues raised in two letters submitted by: (1) a coalition of environmental interests, and (2) a coalition of agricultural interests and water agencies. The Regional Board asked staff to present a discussion of the issues, evaluate alternatives to addressing issues raised, and make recommendations for revisions to the 2002 Conditional Waiver for consideration by the Regional Board at the March 2003 Regional Board meeting. Based on requests by interested persons, consideration by the Regional Board was postponed until the April 2003 Regional Board meeting.

April 2003 Agenda Package

As directed by the Regional Board, staff proposed revisions to the 2002 Waiver, taking the form of a proposed Conditional Waiver Order and Monitoring and Reporting Programs (MRPs). The April staff report was intended to address issues raised by interested persons, to clarify the waiver to assure compliance with the Porter-Cologne Water Quality Control Act (California Water Code (CWC) Division 7) including waiver conditions, and creating a technically based monitoring program. The April staff proposals were also intended to clarify ambiguities and inconsistencies and provide structure and clear direction to groups and individuals subject to the conditional waiver. A detailed monitoring program was included because the 2002 Waiver contained no detail with respect to monitoring.

Based upon public comments, numerous meetings with various interested persons, and Regional Board direction, staff developed the MRPs to provide direction as to what would be required of Groups and individuals in their monitoring efforts. Further, the Regional Board expressed a concern that there must be clear requirements for the production and reporting of the data to allow it (and others) to compare data collected in the various watersheds. The MRP framework was used because it is consistent with the framework and process used in the Regional Board’s other regulatory programs. It is a framework that provides flexibility to the Regional Board, Watershed Groups (also referred to as Coalition Groups) and individual dischargers. As Groups gather and analyze information, they will want to refine monitoring approaches and plans. This framework will provide flexibility in making those refinements in a timely manner.

April 2003 Agenda Comment Period

The agenda package for the hearing at the 24/25 April 2003 Regional Board meeting was released to the public on 10 April 2003. Public comments were due 21 April 2003. The Regional Board

received several letters and other comments expressing concern about the length of the comment period.

On 17 April 2003, the Regional Board Chairman issued an addendum to the 16 April 2003 letter to the interested persons extending the comment period and clarifying the purpose of the hearing. This letter acknowledged concerns on the length of the comment period, noting that the Regional Board has attempted to provide an open, reasoned process in its proceedings, and has done so by providing several public workshops and hearings, and it would continue to do so prior to making decisions concerning the Irrigated Lands Waiver. The addendum established:

1. An extension of the public comment period to 5 p.m., Friday, 23 May 2003, at which time the record would be closed and no further written comments would be accepted;
2. The Irrigated Lands Waiver hearing at the April 24/25 meeting was confirmed as the time to hear the staff report and public comments;
3. The Regional Board would not take action with respect to the proposed revisions to the 2002 Conditional Waiver, but may take other actions as noticed, including giving additional direction to staff; and
4. The Regional Board would postpone action on the revisions to the 2002 Conditional Waiver until its meeting scheduled for 10/11 July 2003 in Sacramento.

Approximately 150 comment letters were received addressing the April 2003 proposed Conditional Waiver Order and supplemental documents.

April 2003 Hearing

A hearing on the matter was held 24 April 2003. The staff presentation and public testimony were heard over a period of six and half-hours. Based on testimony given at the 24 April 2003 hearing, the Regional Board passed a motion that directed staff to do the following:

1. Work with principal interested persons to develop phased monitoring and quality assurance programs that are scientifically defensible;
2. Work with principal interested persons to devise a mechanism for identifying those who are not participating in the waiver, but should be participating;
3. Not consider a fee schedule at this time, and instead work with the State Board and principal interested persons to develop funding for shorter term requirements and a strategy for long term funding; and
4. Work with principal interested persons to develop a workable definition for a Coalition Group.

July 2003 Agenda Package

Between the April 2003 Regional Board meeting and mid June 2003, staff participated in more than sixteen meetings and dozens of telephone conversations with interested persons, ranging from agricultural, drinking water and environmental representatives, growers, Coalition Groups and agencies. Some of the meetings were held to inform these Groups about the 2002 Conditional

Waiver and current status, but a majority of the meetings were focused on information exchange and discussion of approaches for addressing issues relative to the 2002 Conditional Waiver and the April 2003 proposals.

Based on the meeting and April comments staff prepared a revised Conditional Waiver that included separate conditions for Coalition Groups and individuals and detailed monitoring and reporting programs.

The following summarizes the significant differences between the April 2003 proposed Conditional Waiver Order and the July 2003 proposed Conditional Waiver.

1. Resolution vs. Order – for consistencies purposes, the Conditional Waiver Order proposed in April 2003 was reformatted back into a resolution.
2. Resolution reorganization – in addition to using a resolution, provisions in the proposed April Conditional Waiver Order were moved, to provide for better organization, into the following sections: Legal and Regulatory Considerations, Rationale for Conditional Waiver of WDRs for Discharges from Irrigated Lands, Scope and Description of Conditional Waiver of WDRs for Discharges from Irrigated Lands, and California Environmental Quality Act.
3. Two Waivers vs. One Waiver – two Conditional Waivers, one for Watershed/Coalition Groups and one for individual dischargers were proposed. This was done to remove any ambiguities as to which conditions applied to Watershed/Coalition Groups versus individual dischargers.
4. Access – language describing the granting of Regional Board staff access to property for purposes of determining compliance with waiver conditions was shortened, and language was added in the Conditional Waiver for Watershed/Coalition Groups to the effect that Watershed/Coalition Groups must notify their members of the access provision.
5. Power –the language was modified in the proposed Conditional Waivers that dischargers will take all reasonable steps to prevent any discharge in violation of the Waiver and that they shall maintain in good working order and operate as efficiently as possible any facility, control system, including management practices and monitoring devices installed or used to achieve compliance with the Waiver.
6. Finding 10 – the language in Finding No. 10 of the Conditional Waiver Order created an ambiguity with regard to the requirements that would have to be met for dischargers to be deemed in compliance with waiver conditions. A finding was included in the proposed Resolution specifying that the Regional Board does not expect that water quality objectives will be achieved in all surface waters in the Region within the term of the Resolution. The conditions of the Waivers, however, required actions that will lead to achieving water quality objectives. To satisfy the conditions of the Waivers, Watershed/Coalition Groups and individual dischargers must submit technical reports, conduct monitoring of surface waters, implement management practices, evaluate the effectiveness of management practices, refine management practices to improve their effectiveness where necessary, protect against pollution and nuisance, and protect the waters of the state.

7. Definitions and Water Quality Objectives – this information was consolidated into one attachment.
8. Report Titles – some report titles were revised to create more clarity.

Monitoring Requirements

The July agenda contained two proposed MRPs for Regional Board consideration. These MRPs were revised based on Regional Board direction and comments received from interested persons. The MRPs required the submittal of Technical Reports under CWC section 13267 to ensure that conditions of the Conditional Waivers are met. The Coalition Group MRP was revised to allow the Group to implement a phased monitoring approach. Both monitoring programs include monitoring for basic water quality parameters and drinking water constituents of concern. Toxicity testing is required in the first phase of the Coalition Group MRP. However, toxicity testing is optional for individual dischargers unless monitoring indicates elevated levels in the discharge or surface waters. The Corrective Action Report (CAR) required in the April 2003 Waiver Order was replaced with a “management plan.” The Coalition Groups or the Regional Board will make this plan available to the public for comments. The objective of this plan is to document measures taken to eliminate surface water quality impairments or impacts and to ensure long-term protection of water quality. The timeline for submittal of technical reports was revised to account for the extended Regional Board meeting process and to address various comments related to the dynamic nature of the existing program.

July 2003 Agenda Comment Period

The agenda package for the hearing at the 10/11 July 2003 Regional Board meeting was released to the public on 23 June 2003. Public comments were due at the close of business 7 July 2003. The Regional Board received approximately 3,000 comment letters from various interested persons. Both the environmental interests and the agricultural interests were not in favor of the July 2003 proposals, and for the most part, expressed the following positions regarding both the April 2003 Conditional Waiver Order and the July Conditional Waivers:

Environmental Interests

Positions included, but were not limited to the following:

- Supportive of rescinding the December 2002 Conditional Waiver;
- Supportive of Waste Discharge Requirements not waivers;
- Not supportive of the macro Coalition Group approach;
- All dischargers must be identified;
- Fees should be collected in order to support the Irrigated Lands Program; and
- MRPs were drafted in such a manner that would not adequately determine the impacts of discharges from irrigated lands.

Agricultural Interests (including Water Agencies, Irrigation Districts, County Farm Bureaus, individual farmers, etc.)

Positions included, but were not limited too, the following:

- Supportive of the December 2002 Conditional Waiver;

- Not supportive of the proposed July 2003 Conditional Waivers (although some viewed the July proposals as improvements over the April proposals);
- Identifying individual dischargers in the Coalition Group would be an administrative burden and may in fact make the Group approach impractical; and
- Monitoring and reporting requirements were excessive and cost prohibitive.

Based on the review of the comment letters, Regional Board staff proposed late revisions for Regional Board consideration at the hearing. Staff recommended that the December 2002 Conditional Waiver be rescinded and the proposed July 2003 Conditional Waivers be adopted as proposed with late revisions.

10/11 July 2003 Regional Board Hearing

On 10 July 2003, the Regional Board adopted Resolution No. R5-2003-0102, which rescinded Resolution No. R5-2002-0228, Approval of an Initial Study and Adoption of a Negative Declaration for Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, and Resolution No. R5-2002-0201, Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands.

After the Regional Board rescinded the December 2002 Conditional Waiver, they dedicated nearly two full days of testimony from staff and interested persons regarding the July proposals. Once the hearing was closed, the Regional Board had the following options before them:

1. Re-adopt the Negative Declaration and/or 2002 Conditional Waiver that were adopted 5 December 2002;
2. Direct staff to revise the 2002 Conditional Waiver and/or to prepare and to circulate a new environmental document for consideration at a later Regional Board meeting; or
3. Adopt the Conditional Waiver Order and/or CEQA documents that were prepared for Regional Board consideration at the April 2003 Board Meeting; or
4. Adopt a revised Conditional Waiver and CEQA documents that consider written and oral comments received up to and including the 10/11 July Regional Board hearing; or
5. Direct staff to re-circulate for additional public comment, and for consideration at a later Regional Board hearing, a Conditional Waiver and CEQA documents that were prepared based on the oral and written comments received up through 10/11 July 2003 Regional Board hearing; or
6. Direct staff to take other related actions.

Upon deliberating, the Regional Board adopted the July 2003 Conditional Waivers with late revisions. Along with the adoption of the July 2003 Conditional Waivers, the Regional Board directed staff to do the following:

- Proceed with preparing an Environmental Impact Report and developing the 10-year implementation program, and
- On or before the January 2004 Regional Board meeting, the Executive Officer shall present

an example (draft) of General Waste Discharge Requirements and an implementation strategy and advise the Regional Board on possible funding strategies for the implementation of the Irrigated Lands Program, and/or

- Termination or revisions, as appropriate, to the Waiver.

TABLE 1

INFORMATION REPORT
DISCHARGES FROM IRRIGATED LANDS
8 JULY 2004 REGIONAL BOARD MEETING

Chronology of Irrigated Lands Program

Date	Description
28 November 2000	Letter to Regional Board Chair and Executive Officer from 65 parties requesting revocation of agricultural return flow exemptions from CWC. Petition to the Regional Board by DeltaKeeper, San Francisco BayKeeper and the California Public Interest Research Group to terminate Resolution No. 82-036 for irrigation return water.
26 January 2001	Regional Board Agenda Item: status report on the petition to revoke the waiver on agricultural return flows.
2 July 2001	Staff report reviewing options for controlling discharges from irrigated lands released to public.
27 July 2001	Regional Board Agenda Item: workshop reviewing of options for controlling discharges from irrigated lands.
7 September 2001	Public Hearing: petition to terminate Resolution No. 82-036 for irrigation return water denied. The Regional Board directed: -staff to request agencies and organizations to work with drainage from irrigated lands to establish local water quality monitoring efforts to identify sources of wastes -staff to assist and track the progress made by these voluntary efforts to monitor and control discharges of wastes from irrigated lands -that if the Executive Officer determined by 1 Feb. 2002 that satisfactory progress was not being made in assessing the extent and sources of wastes resulting from agricultural activities, the Executive Officer was to issue 13267 orders on appropriate parties to gather data needed for the Regional Board to evaluate the matter - staff to prepare recommendations on how to regulate this category of discharges by the end of 2002
6 December 2001	Regional Board Agenda Item: workshop on development of monitoring programs addressing discharges from irrigated lands. Staff was directed to work with agricultural representatives on voluntary monitoring to be conducted by the agricultural community.
15 February 2002	Memo to interested parties re: monitoring discharges from irrigated lands agenda item, including meeting agenda and draft table (Proposed Water Quality Monitoring Program for Discharges from Irrigated Lands).
1 March 2002	Regional Board Agenda Item: status report on monitoring discharges from irrigated lands.
5 March 2002	Memo released statewide from Office of Legislative and Public Affairs announcing the State Board would seek statewide input on controls for agricultural runoff.
8 March 2002	Regional Board Workshop on monitoring of discharges from irrigated lands (Stanislaus Agricultural Center, Modesto).
18 April 2002	State Board Public Workshop in Yuba City.
20 May 2002	State Board Public Workshop in Tulare.
5 September 2002	Regional Board Agenda Item: status report on waivers of WDRs for discharges from irrigated lands.
Fall 2002	State Board determined that discharges from irrigated lands was primarily a Central Valley issue and the Regional Board resumed a lead role on the matter.
17 October 2002	Notice of Public Hearing, Draft Initial Study and Negative Declaration , tentative Resolution and Conditional Waiver of WDRs for discharges from irrigated lands released to the public/interested parties .
21 November 2002	Public Comment Period Deadline for Draft Initial Study and Negative Declaration, tentative Resolution and Conditional Waiver.
22 November 2002	Agenda material for December hearing on Conditional Waiver of WDRs for discharges from irrigated lands, including staff report , released to public/interested

TABLE 1

INFORMATION REPORT
DISCHARGES FROM IRRIGATED LANDS
8 JULY 2004 REGIONAL BOARD MEETING

Chronology of Irrigated Lands Program

Date	Description
	parties.
5 December 2002	Public Hearing: staff presentation, public testimony, Resolution approving Initial Study and Negative Declaration for Conditional Waiver of WDRs for discharges from irrigated lands adopted (unanimous vote), Resolution and Conditional Waiver of WDRs for discharges from irrigated lands adopted (unanimous vote). The Regional Board directed staff to: -consider comments and questions raised by interested parties and Regional Board members -present a discussion of the issues -evaluate alternatives to addressing issues raised and make recommendations for revisions to the Conditional Waiver
6 December 2002	Motion to rescind Conditional Waiver adopted 5 December 2002 failed to pass (3 ayes, 3 noes).
1 January 2003	Resolution No. R5-2002-0201 Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands sent to interested parties.
3 January 2003	Petition for review by State Board filed by agricultural interests on Conditional Waiver of WDRs for discharges from irrigated lands.
3 January 2003	Petitions for stay of action and for review and request for evidentiary hearing by State Board filed by environmental interests on Conditional Waiver of WDRs for discharges from irrigated lands.
9 January 2003	CEQA lawsuit on Conditional Waiver of WDRs for discharges from irrigated lands filed in Superior Court.
February – March 2003	Mediation proceedings , coordinated by State Board, between agricultural and environmental representatives.
27 February 2003	Notice of postponement from March 2003 meeting to April 2003 meeting of agenda item: Conditional Waiver of WDRs for discharges from irrigated lands. Mailed to interested parties petitioning the Conditional Waiver to State Board. Notice also posted website with agenda for March meeting.
10 April 2003	Notice of Public Hearing, Staff Report, Conditional Waiver Order and MRP released to public. (Public comments originally due 21 April 2003)
16 April 2003	Letter from Executive Officer to interested parties acknowledging requests for time extension for public comments.
17 April 2003	Letter from Regional Board Chair to interested parties extending the public comment period to 23 May 2003, reconfirming the 24/25 April hearing and providing notice that the Regional Board would postpone action on the revisions to the Conditional Waiver proposed in April until its meeting scheduled for 10/11 July 2003 in Sacramento.
24 April 2003	Public Hearing: staff presentation on April proposals, public testimony. Motion passed by Regional Board (4 ayes, 3 noes; one Regional Board member recused) directing staff to: -work with principal interested parties to develop phased monitoring and quality assurance programs -work with principal interested parties to devise a mechanism for identifying those who are not participating in the waiver, but should be participating -not consider a fee schedule at this time, and instead work with State Board and principal interested parties to develop funding for shorter term requirements and a strategy for long term funding -work with principal interested parties to develop a workable definition for a Watershed Group
25 April 2003	DeltaKeeper representative during the Public Forum alleged procedural issues with

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DISCHARGES FROM IRRIGATED LANDS
8 JULY 2004 REGIONAL BOARD MEETING

Chronology of Irrigated Lands Program

Date	Description
	the 24 April 2003 vote. Following the closed session, the Regional Board Chair announced that a staff attorney would further investigate the matter.
23 May 2003	Public Comment Period Deadline on April proposals.
23 June 2003	Notice of Public Hearing and revised Resolutions released to public.
7 July 2003	Public Comment Period Deadline on July proposals.
10 July 2003	Public Hearing: Rescission of Resolution Nos. R5-2002-0201 and R5-2002-0228 by Regional Board.
11 July 2003	Public Hearing: Conditional Waiver of Discharges from Irrigated Lands Resolution No. R5-2003-0105, Monitoring and Reporting Programs Order Nos. R5-2003-0826 and R5-2003-0827 and Resolution No. R5-2003-0103 approving the Initial Study adopted by Regional Board.
August 2003	Petitions filed by six agricultural interests and one environmental interest on the Regional Board's 11 July 2003 action to adopt Resolution Nos. R5-2003-0103, R5-2003-0105, R5-2003-0826 and R5-2003-0827.
7 January 2004	State Board Agenda Item: workshop to hear public testimony on the petitions filed by agricultural and environmental interests.
22 January 2004	Public Hearing: State Board adopts WQO-2004-0003 upholding Regional Board Waivers and Monitoring and Reporting Programs with revisions.
9 February 2004	IACC Agricultural Subcommittee Meeting: workshop for Regional Board staff to answer questions from Coalition Groups of what is required in the Watershed Evaluation Report due by April 1 st .
10 February 2004	Regional Board Monitoring Workshop to answer questions from Coalition Groups of what is required in the Monitoring and Reporting Program Plan due by April 1 st .
18 March 2004	Regional Board Agenda Item: information report on the following items related to the Conditional Waivers: Sample General Waste Discharge Requirements, Fees, Enforcement Strategy, Phase I and II Monitoring Activities, Environmental Impact Report and Notices of Intent.
8 July 2004	Joint Regional and State Board Meeting: status report on Irrigated Lands Waivers pursuant to State Board WQO-2004-0003.

TABLE 2

INFORMATION REPORT
DISCHARGES FROM IRRIGATED LANDS
8 JULY 2004 REGIONAL BOARD MEETING

Coalition Group Information Summary

Coalition Group	Area/Coverage	WER/MRP Plans - Comments
Sacramento Valley Water Quality Coalition (SVWQC)	Irrigated Lands within Sacramento River Basin (includes all or portions of Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Lake, Napa, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sutter, Tehama, Yolo, and Yuba Counties) 1,800,000 Ac	1 April 2004 - WER and MRP Plan submitted 12 April 2004 - SVWQC met with Regional Board staff to present the WER and monitoring approach 27 April 2004 - SVWQC met with staff to discuss preliminary staff comments Staff summary: Submission is incomplete. Major deficiencies include the lack of specific monitoring sites, constituents of concern, monitoring timeline and toxicity approach. The Coalition is in the process of responding to the preliminary comments and has indicated a response will be submitted by 25 June 2004.
San Joaquin County & Delta Water Quality Coalition (SJQWQC)	San Joaquin County and Delta 500,000 Ac	1 April 2004 - WER and MRP Plan submitted 29 April 2004 - SJDWQC met with staff to discuss preliminary staff comments Staff summary: Submission is incomplete. Major deficiencies include location of monitoring sites and toxicity testing. The Coalition is in the process of responding to the preliminary comments.
East San Joaquin Water Quality Coalition	Farmlands encompassed by the lower Stanislaus, Tuolumne and Merced River sub-watersheds (primary eastside tributaries to the San Joaquin River) and that fall into Stanislaus, Merced, Calaveras, Mariposa, Madera and Tuolumne counties. 660,000 Ac	1 April 2004 - WER and MRP Plan submitted 17 May 2004 - ESJWQC met with staff to discuss preliminary staff comments 10 June 2004 – Regional Board staff received a response to the preliminary comments Staff summary: Submission is incomplete. Major deficiencies include location of monitoring sites and toxicity testing. Regional Board staff are reviewing ESJWQC's response to preliminary staff comments and

TABLE 2

INFORMATION REPORT
DISCHARGES FROM IRRIGATED LANDS
8 JULY 2004 REGIONAL BOARD MEETING

Coalition Group Information Summary

Coalition Group	Area/Coverage	WER/MRP Plans - Comments
		once complete, will determine whether to recommend approval of the submission to the Executive Officer or if additional information is needed.
Westside San Joaquin River Watershed Coalition	Area primarily on the westside of the San Joaquin River from the Stanislaus River on the north to 10 miles south of Mendota on the South. This area includes all or portions of Stanislaus, Merced, Madera and Fresno counties 550,000 Ac	1 April 2004 - WER and MRP Plan submitted. In addition, three wetland subgroup reports from the Department of Fish and Game, United States Fish and Wildlife Service and the Grasslands Water District were submitted. 18 May 2004 - WSJRW met with staff to discuss preliminary staff comments Staff summary: Submission is incomplete. Major deficiencies include location of monitoring sites and toxicity testing. The Coalition is in the process of responding to the preliminary comments.
Southern San Joaquin Valley Water Quality Coalition	Tulare Lake Basin (Kings, Kaweah, Tule and Kern Rivers) - bounded by the San Joaquin River to the north, the Tehachapi Mountains to the south, the Sierra Nevada crest to the east, and the Temblor Range to the west. (Fresno, Tulare, Kern, and Kings Counties) 4,400,000 Ac	1 April 2004 - WER and MRP Plan submitted for the Kings River, Tule River, and Kern River sub-watersheds 30 April 2004 - WER and MRP Plan submitted for the Kaweah River sub-watershed 20 May 2004 - SSJVWQC met with staff to discuss preliminary staff comments Staff summary: Submission is incomplete. Major deficiencies include monitoring sites and toxicity testing. On 8 June 2004, staff spoke with representatives of the Coalition to receive an update and a timeline for the SSJVWQC to submit the supplemental information to the Regional Board for each of the sub-watersheds. The Coalition anticipates that additional information will be submitted to the Regional Board no later than 22 June for the Kings Kaweah, and Tule River sub-watersheds, and no later than 1 July for the Kern River sub-watershed. Staff sent correspondence to the SSJVWQC on 10 June 2004, discussing the outcome of both meetings and finalizing the expected submission dates for the required information to conclude the review of the WERs and MRP Plans for all of the sub-watersheds.

TABLE 2

INFORMATION REPORT
DISCHARGES FROM IRRIGATED LANDS
8 JULY 2004 REGIONAL BOARD MEETING

California Rice Commission	<p>Rice production in the Sacramento River Basin (covers all or portions Butte, Colusa, Glenn, Placer, Sacramento, Sutter, Tehama, Yolo, and Yuba counties)</p> <p>500,000 Ac</p>	<p>1 April 2004 - WER and MRP Plan submitted</p> <p>Staff summary: Staff has been meeting with CRC representatives since November 2003 to discuss coverage under the July 2003 Waiver and the development of a rice specific waiver. The Executive Office issued a NOA to the CRC for the July 2003 Waiver on 22 June 2004, and staff is scheduling a meeting on 30 June 2004 with the CRC to discuss preliminary staff comments on CRC's WER and MRP Plan.</p>
Root Creek Water Quality Coalition	<p>Irrigated lands located in Madera County, lying between Avenue 12 to the north & the San Joaquin River to the south, and between the Road 37 alignment and Hwy 41 on the west & east respectively.</p> <p>9,400 Ac</p>	<p>1 April 2004 - WER and MRP Plan submitted (in Draft/Provisional format)</p> <p>Staff Summary: The April 1st submission was incomplete. Preliminary review indicated significant deficiencies in the April 1st submittal, which was submitted in draft/provisional form, due to the fact that RCWQC was late in forming as a Coalition Group. RCWQC has subsequently submitted a WER and MRP Plan, dated 17 June 2004. Regional Board staff are currently reviewing the amended WER and MRP Plan for adequacy.</p>
Westlands Water District	<p>Area on the westside of Fresno and Kings counties that includes farmland located at the base of the Diablo Range of the California Coast Range Mountains from Mendota to Kettleman City.</p> <p>600,000 Ac</p>	<p>1 April 2004 - WER and MRP Plan submitted</p> <p>Staff summary: Submission is largely complete. However, additional narrative regarding management practices is needed. A limited number of storm water monitoring sites are proposed at several of the intermittent Westside streams. On 18 June 2004, staff conducted a field tour of area covered by the group and proposed monitoring sites. The proposed storm water monitoring sites appear to be located appropriately, in the major ephemeral drainages, in areas that are dominated by orchard and row crop cover.</p>

Table 3

Irrigated Lands Program Phase I Monitoring Sites - Water and Sediment Toxicity

Site	County	Round # and Date Sampled										Total times sampled
		1	2	3	4	5	6	7	8	9	10	
Beaver Slough @ Blossom Rd	San Joaquin	4/1/03	4/3/03	5/29/03	6/12/03	7/3/03	7/24/03		8/14/03	9/4/03	9/25/03	9
Unnamed Slough @ Woodsbro Rd	San Joaquin		4/15/03	5/27/03	6/12/03	7/3/03	7/24/03		8/14/03	9/4/03	9/25/03	8
Return Irrigation Drain @ MCD Rd	San Joaquin		4/3/03	5/29/03	6/12/03	7/3/03	7/24/03		8/14/03	9/4/03	9/25/03	8
SJR Source Water to Canal	San Joaquin		4/1/03	5/27/03	6/12/03	7/3/03	7/24/03		8/14/03	9/4/03	9/25/03	8
Drain @ Wing Levee Rd	San Joaquin		3/26/03	5/27/03	6/12/03	7/3/03	7/24/03		8/14/03	9/4/03	9/25/03	8
Drain @ Bowman Rd	San Joaquin		4/1/03	5/27/03	6/12/03	7/3/03	7/24/03		8/14/03	9/4/03	9/25/03	8
Lone Tree Crk @ Newcastle Rd	San Joaquin		3/26/03	5/22/03	6/10/03	7/1/03	7/22/03	8/12/03	9/2/03	9/23/03		8
Little John Crk @ Newcastle Rd	San Joaquin		4/1/03	5/22/03		7/1/03	7/22/03	8/12/03	9/2,4/03			7
Walthal Slough @ Woodward Ave	San Joaquin		4/1/03	5/27/03	6/10/03	7/1/03	7/22/03	8/12/03	9/2/03	9/23/03		8
TID#3 @ Jennings Rd	Stanislaus		3/26/03	5/22/03	6/10/03	7/1/03	7/22,25,29/03	8/12/03	9/2/03	9/23/03		10
Unnamed drain @ Pomelo Rd	Stanislaus		3/26/03	5/22/03	6/10/03	7/1/03	7/22,25/03*	8/12/03	9/2/03	9/23/03		8*
Drain @ Midway Rd E of Pedrick Rd	Solano		6/3/03									1
Drain @ Ulatis Creek @ HWY 113	Solano			5/29/03		6/17/03	7/29/03		8/19/03	9/9,12,15,19/03		8
Drain @ Midway Rd W of Schoeder	Solano					6/17/03	7/29/03		8/19/03	9/9/03	9/15/03	5
Lateral to Gordon Slough @ Rd 19	Yolo		4/3/03	5/29/03		6/17/03	7/29/03		8/21/03	9/9/03		6
Gordon Slough @ Rd 19	Yolo		4/3/03	5/29/03		6/17/03	7/29/03		8/19/03	9/9/03		6
Willow Slough @ Rd 27	Yolo		4/8/03	6/3/03		6/19/03	7/10/03	7/31/03	8/21,25/03	9/11/03		8
Stone Corral Creek @ 4 Mile Rd	Colusa		4/8/03	6/3/03	6/11/03	6/19/03	7/10/03	7/31/03	8/21/03	9/11/03		7
East Drain @ 4 Mile Rd	Colusa		4/8/03	6/5/03	6/11/03	6/19/03	7/10/03	7/31/03	8/21/03	9/11/03		8
Elk Creek @ Hahn & Miller's Rd	Colusa		4/10/03	6/5/03	6/11,16/03	6/24/03	7/15/03	8/5/03	8/26/03	9/16/03		9
Sand Creek @ Miller Rd	Colusa		4/10/03	6/5/03	6/11,16/03	6/24/03	7/15/03	8/5/03	8/26/03	9/16/03		9
Drain South of Rd 14	Yolo							8/5/03	8/26/03	9/16/03		3
Knight's Landing Ridge CT South @ Rd 16	Yolo		4/10/03	6/5/03	6/11/03	6/24/03	7/15/03	8/5/03	8/26/03	9/16/03		8
Knight's Landing Ridge CT North @ Rd 16	Yolo			6/5/03	6/11,16/03	6/24/03	7/15/03	8/5/03	8/26/03	9/16/03		8

* Resampled for *Ceriodaphnia dubia* toxicity testing; toxicity not observed in second sample.

light gray box - water column toxicity

dark gray box - sediment toxicity